

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

FILED  
JAN 16 2009  
STATE ENGINEER'S OFFICE

RECORDED  
2009 JAN 16 PM 4:30  
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 77433,  
FILED BY PREPPY VISION LLC,  
ON SEPTEMBER 30, 2008, TO APPROPRIATE THE WATERS OF  
PERMIT 26883, CERTIFICATE 9280



PROTEST

Comes now SV Development LLC, Ltd. & R.N. Fulstone Co., represented by Steven A. Fulstone  
Printed or typed name of protestant

whose post office address is P.O. Box 61, Smith, Nevada 89430  
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is farming and ranching..... and protests the granting  
of Application Number 77433....., filed on September 30....., 2008.....

by Preppy Vision LLC.....to appropriate the  
waters of underground.....situated in Lyon.....  
Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Please see attached page.....

THEREFORE the Protestant requests that the application be Denied.....

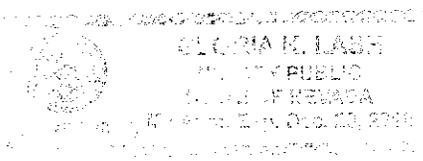
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed *Steven A. Fulstone*  
Agent or protestant

Steven A. Fulstone, representing SV Development LLC, Ltd. & R.N. Fulstone Co.  
Printed or typed name, if agent

Address P.O. Box 61.....  
Street No. or P.O. Box No.  
Smith, Nevada 89430.....  
City, State and Zip Code No.



Subscribed and sworn to before me this 16 day of January, 2009  
*Gloria K. Lash*

January 14, 2009

To the State of Nevada, State Engineer:

**Regarding my Protest to Application #77433**

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For the following reasons and on the following grounds:

The application as filed with supporting map is confusing and difficult to follow. The engineering permit and state records indicate that 26883 permit will co-mingle with other permits which are supplemental to the Walker River decree claim #173. This permit is stripping 174.95 acres and moving the place of use on portions to 174.95 acres. The map does not exactly show where this water is removed from. I can not make a reasonable analysis of this application because the map does not give exact details. Therefore I am protesting this application. Last year there was no evidence that Walker River decree water was put on land permitted by 26883. 26883 will co-mingle water with other permits as stated in its Application for a Permit on file in the State Engineers office. No movement of this permit should be allowed until there is evidence that surface water is being applied to the existing place of use of permit 26883.

The confusion extends to applications 77430, 77431 and 77432. The map does not show where Walker River decree is currently used or will be applied, with a maximum acreage irrigated of 453.91 acres from all sources of water. Permit, 20014, 26883 and 18435 are supplemental to the surface decree as stated by the original applications and engineering files. These permits are all within the description of the decree. Through historical time there seems to have been a change in how these permits have been used. There is a need to comply with the original intent of the permits. If these permits were used in this fashion, I would have no problem accepting current and future change applications that meet those restrictions.

Ground water in local areas around the applicant are lower. There has been a greater than normal decline in static water levels in recent years. At least two domestic wells in close proximity to the applicant had to be re-drilled because they went dry. One of the applicants wells' (26883) static water level was as high as 107 feet in 1988 and as low as 247 feet in 2005. The lowering of the static level is an issue that all permit owners should address.